

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sharkey, et al.

Serial No.: 09/884,859

Filed: June 18, 2001

For: Method for Treating Intervertebral Disc Disease

Employing Attachment Mechanism

Group No.: 3762

Examiner: Not Assigned

Commissioner for Patents

Washington, D.C. 20231

**SUBMISSION OF POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR**  
**UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

- I. This replies to the Notice of Non-Recordation of Document mailed December 14, 2001. We hereby resubmit the Power of Attorney By Assignee, which was originally filed with the Completion of Filing Requirements-NonProvisional Application on October 2, 2001.

**POWER OF ATTORNEY**

- II. Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor, with an attached copy of the Assignment of Application

Applicant believes no fee(s) are due at this time; however, the Commissioner is authorized to charge any other fees associated with this communication to the above Deposit Account No. 23-2415 (17616-856).

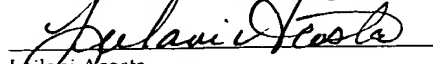
Respectfully submitted,

  
David J. Weitz, Reg. No., 38,362

Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300  
Customer No. 021971

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Arlington, VA 22202, on 1/4/02

  
Leilani Acosta

1/4/02  
Date

Practitioner's Docket No.: 17616-856

JAN 1 5 2002

10-2001

PATENT



POWER OF ATTORNEY BY ASSIGNEE

101871565

UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS



The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. \_\_\_\_\_
- ☒ U.S. application no. 09/884,859, filed on June 18, 2001

hereby appoints the following attorneys of Wilson Sonsini Goodrich &amp; Rosati:

Attorney Name	Reg. No.	Attorney Name	Reg. No.
Paul Davis	29,294	David J. Weitz	38,362
David J. Abraham	39,554	U.P. Peter Eng	39,666
George A. Willman	41,378	Jonathan T. Manson	43,774
Shirley Chen	44,608	Kenta Suzue	45,145
John Gilmore	46,375		

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- ☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on \_\_\_\_\_ at reel \_\_\_\_\_, frames \_\_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

Name	David J. Weitz					
Address	Wilson Sonsini Goodrich and Rosati					
Address	650 Page Mill Road					
City	Palo Alto	State	CA	Zip	94304	Customer No.: 021971
Country	USA	Telephone	(650) 493-9300	Fax	(650) 493-6811	

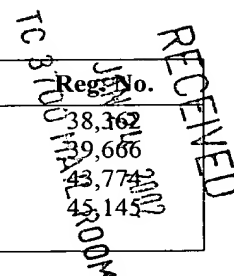
ASSIGNEE: Oratec Interventions, Inc.

Name:

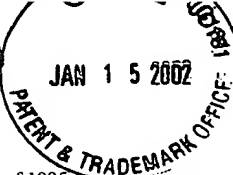
Hugh Sharkey

Date:

8/07/01



JAN 15 2002



PTO/SB/15 (8-96)

Approved for use through 9/30/98. OMB 0651-0027

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## ASSIGNMENT OF APPLICATION

Docket Number 17616-847

Whereas, the undersigned:

1. SHARKEY, Hugh R.  
Menlo Park, CA
2. FARIABI, Sepehr  
Fremont, CA
3. ASHLEY, John  
San Francisco, CA
4. SAAL, Joel  
Portola Valley, CA
5. SAAL, Jeffrey  
Portola Valley, CA

RECEIVED  
JAN 24 2002  
TELETYPE MAIL ROOM

hereinafter termed "Inventors", have invented certain new and useful improvements in

## APPARATUS AND METHOD FOR ACCESSING AND PERFORMING A FUNCTION WITHIN AN INTERVERTEDAL DISC

- ☒ for which an application for United States Patent was filed on June 18, 2001, Application No. 09/884,859  
☐ for which an application for a United States Patent was executed on \_\_\_\_\_, and

WHEREAS, Oratec Interventions, Inc., having a place of business at 3700 Haven Court, Menlo Park, CA 94025, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument to said Assignee as of the dates written below:

Date: 8/17/01

Hugh R. Sharkey  
Hugh R. Sharkey

Date: 8/23/01

Sepehr Fariabi  
Sepehr Fariabi

Date: 9/5/01

John Ashley  
John Ashley

Date: 9/7/01

Joel Saal  
Joel Saal

Date: 9/7/01

Jeffrey Saal  
Jeffrey Saal